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DOCUMENT

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DATE FILED: 7/27/09

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RONALD A. CHISHOLM LIMITED,

Plaintiff,

v.

EDYSAN 3 KERESKEDELMI ES VENDEGLATO  
KORLATOLT FELEFOSSEGU and V PLUS K  
TRADING and SERVICING,

Defendants.

09 CV 3557 (RMB)

**ORDER FOR THE DEPOSIT OF  
FUNDS IN AN INTEREST BEARING  
ACCOUNT IN THE CUSTODY OF  
THE CLERK OF THE COURT**

**WHEREAS**, on May 8, 2009, this Court issued its Order to the Clerk to issue Process of Maritime Attachment and Garnishment in the amount of \$1,807,679.15;

**WHEREAS**, the Clerk issued and Plaintiff served Process of Maritime Attachment and Garnishment (the "PMAG") on various garnissees including Bank of America N.A.;

**WHEREAS**, Plaintiff attached certain funds in the form of an Electronic Funds Transfer belonging to Defendant in the amount of \$740,588.60 (the "Attached Funds");

**WHEREAS**, on June 15, 2009, this Court reduced Plaintiff's Order of Attachment pursuant to Supplemental Rule E(6) to \$458,136.60;

**WHEREAS**, Bank of America N.A. was immediately instructed to release funds in excess of the June 15, 2009 Order, specifically \$282,452.00 was released; and

**WHEREAS**, Plaintiff has provided a bond in the amount of \$399,381 in favor of Defendant securing Defendant's Counter-Claim herein; and

**WHEREAS**, the court has directed Plaintiff to submit an Order directing that the attached funds at Bank of America NA be paid into the registry of the Court; it is

**ORDERED** that:

1. Garnishee Bank of America N.A. shall promptly wire transfer \$458,136.60 to the account of the Clerk of the United States District Court for the Southern District of New York at the United States Treasury, ABA number 021030004, Agency Location Code 4654, referencing "Ronald A. Chisholm Limited v. Edysan 3 Kereskedlmi Es Vendeglato Korlatolt Felefossegu, et al. Docket No. 09 CV 3557 (RMB)."

2. Upon transfer of the Attached Funds in accordance with this Order and furnishing copies of the transfer instructions to the attorneys for the Plaintiff and the Defendant, Bank of America N.A. shall be relieved of all responsibility in this matter.

3. Upon receipt of \$458,136.60 the Clerk of this Court shall invest the entire amount in an interest bearing account pending further order of this Court.

4. The Clerk of this Court is directed to deduct from the income on the investment a fee equal to ten percent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office.

5. Directly after service of this Order on the Clerk of this Court and his Financial Deputy pursuant to Local Civil Rule 67.1 (a), the attorney for the Plaintiff shall cause a copy of this Order to be served on Bank of America N.A. and the said attorney shall provide proof of service on Bank of America N.A. to the attorney for Defendant.

6. The deposit shall remain in the custody of the Clerk of this Court pending the issuance of a foreign judgment rendered in the underlying proceedings and confirmed by judgment of this Court, or pending other stipulation executed by both parties and so ordered by this Court, or until such time as this Court orders the release of said funds pursuant to application by either party.

7. This case shall be dismissed without prejudice and without costs, subject to  
*at the Court's discretion in writing* RMB  
reopening upon the request of either party to the Court, for the purpose of recognizing or  
entering a judgment on a foreign judgment, enforcing the aforesaid bond given on behalf of  
Defendant, and/or effectuating the release of the deposited funds from the Clerk of this Court as  
set forth above.

Dated: New York, New York

July 27 2009

RMB  
Hon. Richard M. Berman,